

EXHIBIT 8

CHARGE

Authority: P.A. 380 of 1965, as amended.

DO NOT WRITE IN THIS SPACE	
Case No. CLK-201	Date Filed 11/22/2011

INSTRUCTIONS: File an **original** and **4 copies** of this charge (including attachments) with the Employment Relations Commission at: Cadillac Place, 3026 W. Grand Boulevard, Suite 2-750, PO Box 02988, Detroit MI 48202-2988 or 1375 S. Washington St., Lansing MI 48910. **The Charging Party must serve the Charge on the opposing side within the applicable statute of limitations, and must file a statement of service with MERC.** (Refer to the "How to File a Charge" document under the "Forms" link at www.michigan.gov/merc.)

Complete Section 1 if you are filing charges against an employer and/or its agents and representatives. —or—
Complete Section 2 if you are filing charges against a labor organization and/or its agents and representatives.

1. EMPLOYER AGAINST WHICH THE CHARGE IS BROUGHT

Check appropriate box: ☐ Private ☒ Governmental

Name and Address:

Mr. Joseph Martinico, Director
Labor Relations Department
City of Detroit
2 Woodward Avenue, Suite 304
Detroit, Michigan 48226

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EMPLOYMENT RELATIONS COMM.
DETROIT OFFICE

2. LABOR ORGANIZATION AGAINST WHICH THE CHARGE IS BROUGHT

Name and Address:

3. CHARGE

Pursuant to the Labor Mediation Act (LMA) or Public Employment Relations Act (PERA) (*cross out one*), the undersigned charges that the above-named party has engaged in or is engaging in unfair labor practices within the meaning of the Act.

On an attached sheet you must provide a clear and concise statement of the facts which allege a violation of the LMA or PERA, including the date of occurrence of each particular act and the names of the agents of the charged party who engaged in the complained of conduct. The charge should describe who did what and when they did it, and **briefly** explain why such actions constitute a violation of the LMA or PERA.

The Commission may reject a charge for failure to include the required information. However, it is not necessary to present your case in full at this time. Documentary material and exhibits ordinarily **should not** be submitted with this charge form.

4. Name and Address of Party Filing Charge (Charging Party)
(if labor organization, give full name, including local name and number)

MI AFSCME Council 25, Local 542

Telephone Number:

(313) 964-1711

5. List ALL related MERC case(s) (if any): _____

(Name of parties)

Case No.: N/A

Judge: N/A

Case No.: N/A

Judge: N/A

I have read this charge and it is true to the best of my knowledge and belief.

Signature of Representative/Person Filing Charge

Email:
awatkins@miafscme.org

Telephone/Cell No.:
313/964-1711/313-515-9977

Print Name and Title:

Aina N. Watkins, Staff Attorney

Fax No.:
313-964-0230

Street Address:
600 W. Lafayette, Ste 500

City:
Detroit

State:
MI

Zip Code:
48226

The Department of Energy, Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need assistance with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

BER (2/11)

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**STATE OF MICHIGAN
EMPLOYMENT RELATIONS COMMISSION
LABOR RELATIONS DIVISION**

In the Matter of:

CITY OF DETROIT

Respondent-Public Employer,

-and-

AMERICAN FEDERATION OF STATE
COUNTY AND MUNICIPAL EMPLOYEES,
MICHIGAN COUNCIL 25, LOCAL 542
Charging Party-Labor Organization,

Unfair Labor Practice Charge

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**CHARGING PARTY-LABOR ORGANIZATION'S CHARGE
AGAINST RESPONDENT CITY OF DETROIT**

NOW COMES Charging Party, MI AFSCME Council 25 ("Union") and its affiliated Local 542, by and through its attorney, Aina N. Watkins, and files this Unfair Labor Practice charge against Respondent, City of Detroit, ("City" or "Employer") and hereby states as follows:

1. The parties are subject to an imposed Collective Bargaining Agreement effective July 1, 2008 - June 30, 2012.
2. AFSCME has 13 members assigned to the Fire Department of the City of Detroit, Fire Apparatus Division.
3. The classifications of bargaining unit members consist of General Auto Mechanic, Painters, General Auto Body Mechanic, Air Equipment Mechanic, Auto Mechanic Sub Foreman and Storekeeper, etc.
4. On about May 23, 2011, June 7, 8, 9, 11, 2011 and continuing, the Union received notice that Apparatus Emergency Mechanics (also known as "Emergency Repairman") who are members of the Detroit Fire Fighters Association, DFFA Local 344, were performing General Auto Mechanic work.
5. The Apparatus Emergency Mechanics make emergency repairs and service automotive fire apparatus at fires, on the road or at the stations.
6. The General Auto Mechanic performs any and all automotive or mechanical repairs, or maintenance tasks to the types of mobile equipment employed by the Department; such as fire fighting apparatus and other special purpose vehicles, automobiles, trucks etc.
7. There are currently six (6) General Auto Mechanics in Fire Apparatus Division; two (2) were recently promoted to Emergency Repairman in February 2011.
8. Pursuant to the supplemental agreement Article 9 Career Development and Training, General Auto Mechanic and Auto Sub-Foreman classifications promote into the position of Emergency Repairman.

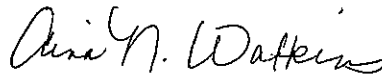
9. The Union contends that the Employer has improperly assigned work traditionally performed by AFSCME members to employees in another classification represented by Detroit Fire Fighters Association, DFFA Local 344.
10. The Union contends that the Employer is obligated to bargain over a decision to replace bargaining unit employees with employees from a different bargaining unit, where the work has been exclusively performed by employees in one unit.
11. The Employer has refused to bargain with the Union over the reassignment of work; the bargaining unit has been impacted adversely.

WHEREFORE, Charging Party alleges that Respondent has violated Section 10 (1) (e) and 15 (1) of PERA.

WHEREFORE, Charging Party respectfully asks that the Employer be ordered to take the following affirmative action to remedy the Unfair Labor Practice:

1. Cease and desist from refusing to bargain in good faith with the Union;
2. Make the members whole for any loss of pay or other financial or fringe benefits that he/she may have suffered;
3. Assign work traditionally performed by General Auto Mechanic to individuals properly placed in the classification; and
4. Post notices of its violations of the Act.

Respectfully Submitted,



BY: _____
Aina N. Watkins (P69196)
Counsel for Charging Party-Labor Organization
Michigan AFSCME Council 25, AFL-CIO
600 W. Lafayette Blvd., Suite 500
Detroit, MI 48226
Phone: (313) 964-1711 ext. 2237
Fax: (313) 964-0230

Dated: November 22, 2011

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**STATE OF MICHIGAN
EMPLOYMENT RELATIONS COMMISSION
LABOR RELATIONS DIVISION**

In the Matter of:

CITY OF DETROIT

Respondent-Public Employer,

Unfair Labor Practice Charge

-and-

AMERICAN FEDERATION OF STATE
COUNTY AND MUNICIPAL EMPLOYEES,
MICHIGAN COUNCIL 25, LOCAL 542
Charging Party-Labor Organization,

PROOF OF SERVICE

I HEREBY CERTIFY that I served a true and correct copy of this **Unfair Labor Practice Charge** upon:

Mr. Joseph Martinico, Director
Labor Relations Department
City of Detroit
2 Woodward Avenue, Suite 304
Detroit, Michigan 48226

I declare that the statements above are true to the best of my information, knowledge, and belief.

MI AFSCME Council 25, AFL-CIO

BY: 

Dated: 11/22/11

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